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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,768	02/25/2000	Randell L. Mills	62-226-ion	6782

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2000 M STREET NW SUITE 700
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EXAMINER	
WELLS, NIKITA	
ART UNIT	PAPER NUMBER
2881	
MAIL DATE	DELIVERY MODE
02/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/513,768	MILLS, RANDELL L.	
	Examiner	Art Unit	
	Nikita Wells	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-210* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-210* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *30 October 2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Applicant filed an "Amendment" and Request for Continued Examination (RCE) (Paper #28) received October 30, 2007 under 37 CFR 1.114 in reply to the Final Rejection mailed out February 12, 2007 (Paper #27). The Applicant previously filed a "Response to Office Action Mailed January 30, 2006" (Paper #26) received July 28, 2006 in reply to the Non-Final Rejection (Paper #25) mailed out January 30, 2006.

2. Applicant's arguments in the "Response to Office Action Mailed January 30, 2006 (Paper #26) have been fully considered in view of the newly received "Amendment" and RCE (paper #28) along with the new "Information Disclosure Statement", but they are not persuasive. The Examiner analyzed the data and found the compelling experimental evidence to be insufficient as presented. The rejections as stated in the previous Office Action (Paper #27), mailed out February 12, 2007, are still applicable to the claims and are repeated here for clarification.

3. Receipt is acknowledged of information disclosure statements (IDS) submitted on October 30, 2007. However, as stated before, the IDS is not in compliance with the provisions of 37 CFR §1.11 l(b), because a large majority of the references are without any relevance to the claimed invention. In order to comply with 37 CFR §1.11l(b), the Applicant is obligated to submit only those references that are relevant to the invention. It is not the examiner's responsibility to sort out himself the pertinent ones. None of Applicant's publications provides any evidence for the existence of lower energy atomic hydrogen (hydrino and/or a hydrino-based reaction). All that is claimed by the Applicant is nothing else but vague speculation based on incorrect understanding of the physics underlying the observation (such as anomalous line broadening).

It is not necessary to submit a great number of references as listed in the latest IDS or previous IDS's, where in fact just a single reference would have been enough as a support for Applicant's claimed invention. Unfortunately, not a single one of Applicant's references has been able to provide the necessary evidence.

4. The burden of proof rests with the Applicant in that he has to show to the Examiner that the experimental evidence demonstrates the existence of a novel hydrogen species and compositions of matter comprising new forms of hydrogen which is based upon the binding energy being greater than that for normal hydrogen. The Examiner cannot correlate the experimental evidence of the spectral analysis as provided by the Applicant with the change in theory which substitutes the fractional integers for the whole integers in the formula for the binding energy (see equation no. 1 in the Specification) which would perturb the dimension of the Bohr radius, increase the binding energy, and subsequently demonstrate the existence of a novel form of a hydrogen species. The Applicant claims (see page 26, lines 9-26; and page 117, lines 26-33) that the release of energy from hydrogen as evidenced by the extreme ultra-violet (EUV) emission must result in a lower energy state of hydrogen. The Examiner considered the evidence, but questions the validity of the experiments.

Claim Rejections - 35 USC § 101

5. Claims 1-209 stand rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility. The invention is based upon assumptions that are contrary to basic, well established, laws of quantum physics and, therefore, is inoperative and lacks utility.

Claim Rejections - 35 USC § 112

6. Claim 1-209 stand rejected under 35 U.S.C. §112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Applicant claims that experimental data confirms that the existence of lower-energy atomic hydrogen (also referred to as "increased binding energy hydrogen" since the lower energy state results in a higher binding energy) is identified by extreme ultraviolet (EUV) spectroscopy conducted in numerous tests, which are disclosed in the Applicant's papers; and that this data demonstrates conclusively that the existence of lower energy hydrogen is not only a theoretical possibility, but is in fact a reality.

The applicant challenges the Examiner to provide an explanation of errors found in the extensive theory disclosed in the present specification and errors in the supporting experimental evidence. However, the burden of proof rests with the Applicant in that he has to show to the Examiner that the experimental evidence demonstrates the existence of a novel hydrogen species and compositions of matter comprising a new form of hydrogen that is lower in energy then unreacted atomic hydrogen that corresponds to a fractional principal quantum number replacing the interger in the Rydberg equation for hydrogen excited states.

The Examiner considered the experimental evidence, but questions the validity of the experiments as stated in the Final Rejection (see Paper #27).

As to the anomalous hydrogen line broadening recited in the experimental papers and the Applicant's claim that this is evidence of the lower energy hydrogen, there are many other physically plausible explanations (as previously stated in Paper #22), i.e. pressure broadening (due to high pressure within a hollow cathode), resonance broadening, microwave-field broadening, and many other broadening mechanisms which are fundamentally different than Applicant's "resonance broadening" due to hydrino levels. Thus, even if Applicant's hydrino hypothesis would be assumed as physically plausible, an explanation based on a new hypothesis in the presence of a number of other plausible reasons, is highly speculative. Consequently, the experimental data as presented in the technical papers, fails to convince the Examiner as to the possible existence of a lower-energy atomic hydrogen.

However, not only is the hydrino hypothesis highly speculative, but physically wrong, because it is based on many misunderstandings of conventional quantum mechanics, electromagnetic theory and the theory of relativity, as pointed out in detail in the Appendix (written by Dr. Bernard Souw) of Paper #22 (mailed out March 29, 2004).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The central fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nikita Wells/
Primary Examiner, Art Unit 2881

Nikita Wells, Primary Examiner
Art Unit 2881
February 2, 2008